

# Exhibit 3



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*Ex Parte* Reexamination Filing Data - September 30, 2019

1. Total requests filed since start of <i>Ex Parte</i> reexam on 07/01/81.....	13987								
a. By patent owner	3919      28%								
b. by other member of the public	9893      71%								
c. By order of Commissioner	175      1%								
2. Number of Filings by discipline									
a. Chemical Operation	3791      27%								
b. Electrical Operation	5214      37%								
c. Mechanical Operation	4732      34%								
d. Design Patents	250      2%								
3. Annual <i>Ex Parte</i> Reexam Filings									
Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No
1981	78 (3 mos.)	1989	242	1997	380	2005	520	2013	305
1982	187	1990	297	1998	348	2006	473	2014	355
1983	186	1991	309	1999	391	2007	600	2015	244
1984	189	1992	390	2000	312	2008	690	2016	222
1985	230	1993	359	2001	295	2009	603	2017	191
1986	232	1994	379	2002	272	2010	697	2018	187
1987	240	1995	395	2003	394	2011	734	2019	163
1988	269	1996	413	2004	436	2012	780		
4. Number known to be in litigation.....	1938      14%								
5. Decisions on requests <sup>2</sup> .....	14130								
a. No. granted	12905      91%								
(1) By examiner	12718								
(2) By Director (on petition)	187								
b. No. denied	1277      9%								
(1) By examiner	1225								
(2) Reexam vacated	52								
6. Total examiner denials (includes denials reversed by Director).....	1226								
a. Patent owner requester	524      43%								
b. Third party requester	702      57%								

1 Total decisions on requests does not include requests that have been vacated or are pending.

2 The Director granted requests are only granted petitions on denial under 37 CFR 1.515.

7. Overall reexamination pendency (Filing date to certificate issue date).....

a. Average pendency	25.8 (mos.)
b. Median pendency	19.4 (mos.)

8. Total ex parte reexamination certificates issued (1981 - present)..... 11980

	Owner Requester	3rd Party Requester	Comm'r Initiate	Overall	Numbers
a. Certificates with all claims confirmed	6%	15%	0%	20.7%	2480
b. Certificates with all claims canceled	3%	10%	0%	12.7%	1517
c. Certificates with claims changes	19%	46%	1%	66.6%	7983

9. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated.

a. Certificates – PATENT OWNER REQUESTER	3325
a. All claims confirmed	693     21%
b. All claims canceled	300     9%
c. Claims changed	2332     70%
b. Certificates – 3rd PARTY REQUESTER	8481
a. All claims confirmed	1769     21%
b. All claims canceled	1170     14%
c. Claims changed	5542     65%
c. Certificates – COMMISSIONER INITIATED REEXAM	174
a. All claims confirmed	18     10%
b. All claims canceled	47     27%
c. Claims changed	109     63%

1 Total decisions on requests does not include requests that have been vacated or are pending.

2 The Director granted requests are only granted petitions on denial under 37 CFR 1.515.



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*Ex Parte Reexamination Filing Data - September 30, 2018*

1. Total requests filed since start of <i>Ex Parte</i> reexam on 07/01/81.....	14005								
a. By patent owner	4137     30%								
b. by other member of the public	9825     70%								
c. By order of Commissioner	43       0%								
2. Number of Filings by discipline									
a. Chemical Operation	3782     27%								
b. Electrical Operation	5270     38%								
c. Mechanical Operation	4717     34%								
d. Design Patents	236       2%								
3. Annual <i>Ex Parte</i> Reexam Filings									
Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No
1981	78 (3 mos.)	1989	242	1997	380	2005	520	2013	305
1982	187	1990	297	1998	348	2006	473	2014	355
1983	186	1991	309	1999	391	2007	601	2015	243
1984	189	1992	390	2000	312	2008	691	2016	225
1985	230	1993	359	2001	295	2009	605	2017	189
1986	232	1994	379	2002	272	2010	698	2018	189
1987	240	1995	395	2003	394	2011	736		
1988	269	1996	413	2004	436	2012	781		
4. Number known to be in litigation.....	4731	34%							
5. Decisions on requests.....	13178								
a. No. granted	12042	91%							
(1) By examiner	11891								
(2) By Director (on petition)	151								
b. No. denied	1136	9%							
(1) By examiner	1089								
(2) Reexam vacated	47								
6. Total examiner denials (includes denials reversed by Director).....	2272								
a. Patent owner requester	586	26%							
b. Third party requester	1686	74%							
7. Overall reexamination pendency (Filing date to certificate issue date).....									
a. Average pendency	27.7 (mos.)								
b. Median pendency	19.8 (mos.)								

1 Total decisions on requests does not include requests that have been vacated or are pending.

data as of 9/30/2018

## 8. Reexam certificate claim analysis:

	Owner Requester	3rd Party Requester	Comm'r Initiate	Overall
a. All claims confirmed	6%	15%	0%	21%
b. All claims canceled	3%	10%	0%	12%
c. Claims changed	20%	47%	0%	67%

## 9. Total ex parte reexamination certificates issued (1981 – present) .....

a. Certificates with all claims confirmed	2391	21%
b. Certificates with all claims canceled	1404	12%
c. Certificates with claims changes	7608	67%

## 10. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated.

a. Certificates – PATENT OWNER REQUESTER	3337	
a. All claims confirmed	690	21%
b. All claims canceled	293	9%
c. Claims changed	2313	69%
b. Certificates – 3rd PARTY REQUESTER	8362	
a. All claims confirmed	1681	20%
b. All claims canceled	1062	13%
c. Claims changed	5174	62%
c. Certificates – COMMISSIONER INITIATED REEXAM	41	
a. All claims confirmed	2	5%
b. All claims canceled	23	56%
c. Claims changed	16	39%

<sup>1</sup> Total decisions on requests does not include requests that have been vacated or are pending.

data as of 9/30/2018



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*Ex Parte Reexamination Filing Data - September 30, 2017*

1. Total requests filed since start of <i>Ex Parte</i> reexam on 07/01/81.....	13641								
a. By patent owner	3912     29%								
b. by other member of the public	9686     71%								
c. By order of Commissioner	43       0%								
2. Number of Filings by discipline									
a. Chemical Operation	3670     27%								
b. Electrical Operation	5148     38%								
c. Mechanical Operation	4596     34%								
d. Design Patents	227       2%								
3. Annual <i>Ex Parte</i> Reexam Filings									
Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No
1981	78 (3 mos.)	1989	242	1997	380	2005	520	2013	305
1982	187	1990	297	1998	348	2006	473	2014	355
1983	186	1991	309	1999	391	2007	601	2015	243
1984	189	1992	390	2000	312	2008	691	2016	219
1985	230	1993	359	2001	295	2009	605	2017	191
1986	232	1994	379	2002	272	2010	698		
1987	240	1995	395	2003	394	2011	736		
1988	269	1996	413	2004	436	2012	781		
4. Number known to be in litigation.....	4648	34%							
5. Decisions on requests.....	13147								
a. No. granted	12047	92%							
(1) By examiner	11913								
(2) By Director (on petition)	134								
b. No. denied	1100	8%							
(1) By examiner	1054								
(2) Reexam vacated	46								
6. Total examiner denials (includes denials reversed by Director).....	1056								
a. Patent owner requester	494	47%							
b. Third party requester	562	53%							
7. Overall reexamination pendency (Filing date to certificate issue date).....									
a. Average pendency	26.4 (mos.)								
b. Median pendency	19.4 (mos.)								

1 Total decisions on requests does not include requests that have been vacated or are pending.  
 data as of 9/30/2016

## 8. Reexam certificate claim analysis:

	Owner Requester	3rd Party Requester	Comm'r Initiate	Overall
a. All claims confirmed	6%	15%	0%	21%
b. All claims canceled	3%	9%	0%	12%
c. Claims changed	21%	46%	0%	67%

## 9. Total ex parte reexamination certificates issued (1981 – present) .....

a. Certificates with all claims confirmed	2391	21%
b. Certificates with all claims canceled	1404	12%
c. Certificates with claims changes	7608	67%

## 10. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated.

a. Certificates – PATENT OWNER REQUESTER	3296	
a. All claims confirmed	690	21%
b. All claims canceled	293	9%
c. Claims changed	2313	70%
b. Certificates – 3rd PARTY REQUESTER	7917	
a. All claims confirmed	1681	21%
b. All claims canceled	1062	13%
c. Claims changed	5174	65%
c. Certificates – COMMISSIONER INITIATED REEXAM	41	
a. All claims confirmed	2	5%
b. All claims canceled	23	56%
c. Claims changed	16	39%

<sup>1</sup> Total decisions on requests does not include requests that have been vacated or are pending.



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*Ex Parte Reexamination Filing Data - September 30, 2016*

1. Total requests filed since start of <i>Ex Parte reexam on 07/01/81</i> .....	13450								
a. By patent owner	3887     29%								
b. by other member of the public	9520     71%								
c. By order of Commissioner	43       0%								
2. Number of Filings by discipline									
a. Chemical Operation	3632     27%								
b. Electrical Operation	5085     38%								
c. Mechanical Operation	4521     34%								
d. Design Patents	212       2%								
3. Annual <i>Ex Parte</i> Reexam Filings									
Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No
1981	78 (3 mos.)	1989	242	1997	380	2005	520	2013	305
1982	187	1990	297	1998	348	2006	473	2014	355
1983	186	1991	309	1999	391	2007	601	2015	243
1984	189	1992	390	2000	312	2008	691	2015	219
1985	230	1993	359	2001	295	2009	605		
1986	232	1994	379	2002	272	2010	698		
1987	240	1995	395	2003	394	2011	736		
1988	269	1996	413	2004	436	2012	781		
4. Number known to be in litigation.....	4350     32%								
5. Decisions on requests.....	12929								
a. No. granted	11835     92%								
(1) By examiner	11704								
(2) By Director (on petition)	131								
b. No. denied	1094     8%								
(1) By examiner	1048								
(2) Reexam vacated	46								
6. Total examiner denials (includes denials reversed by Director).....	1048								
a. Patent owner requester	492     47%								
b. Third party requester	556     53%								
7. Overall reexamination pendency (Filing date to certificate issue date).....									
a. Average pendency	25.77 (mos.)								
b. Median pendency	20.2 (mos.)								

1 Total decisions on requests does not include requests that have been vacated or are pending.

## 8. Reexam certificate claim analysis:

	Owner Requester	3rd Party Requester	Comm'r Initiate	Overall
a. All claims confirmed	6%	15%	0%	21%
b. All claims canceled	3%	9%	0%	12%
c. Claims changed	21%	45%	0%	66%

## 9. Total ex parte reexamination certificates issued (1981 – present) .....

a. Certificates with all claims confirmed	2337	21%
b. Certificates with all claims canceled	1339	12%
c. Certificates with claims changes	7303	67%

## 10. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated.

a. Certificates – PATENT OWNER REQUESTER	3270	
a. All claims confirmed	685	21%
b. All claims canceled	291	9%
c. Claims changed	2294	70%
b. Certificates – 3rd PARTY REQUESTER	7519	
a. All claims confirmed	1631	22%
b. All claims canceled	999	13%
c. Claims changed	4889	65%
c. Certificates – COMMISSIONER INITIATED REEXAM	41	
a. All claims confirmed	2	5%
b. All claims canceled	23	56%
c. Claims changed	16	39%

1 Total decisions on requests does not include requests that have been vacated or are pending.



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*Ex Parte Reexamination Filing Data - September 30, 2015*

1. Total requests filed since start of <i>Ex Parte reexam on 07/01/81</i> .....	13136								
a. By patent owner	3957     30%								
b. by other member of the public	9014     69%								
c. By order of Commissioner	165     1%								
2. Number of Filings by discipline									
a. Chemical Operation	3569     27%								
b. Electrical Operation	5265     40%								
c. Mechanical Operation	4418     34%								
d. Design Patents	220     2%								
3. Annual <i>Ex Parte</i> Reexam Filings									
Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No
1981	78 (3 mos.)	1989	243	1997	376	2005	524	2013	296
1982	187	1990	297	1998	350	2006	511	2014	342
1983	186	1991	307	1999	385	2007	643	2015	240
1984	189	1992	392	2000	318	2008	680		
1985	230	1993	359	2001	296	2009	658		
1986	232	1994	379	2002	272	2010	780		
1987	240	1995	392	2003	392	2011	759		
1988	268	1996	418	2004	441	2012	787		
4. Number known to be in litigation.....	4819	37%							
5. Decisions on requests.....	12641								
a. No. granted	11623	92%							
(1) By examiner	11492								
(2) By Director (on petition)	131								
b. No. denied	1018	8%							
(1) By examiner	980								
(2) Reexam vacated	38								
6. Total examiner denials (includes denials reversed by Director).....	1118								
a. Patent owner requester	496	44%							
b. Third party requester	622	56%							
7. Overall reexamination pendency (Filing date to certificate issue date).....									
a. Average pendency	26.5 (mos.)								
b. Median pendency	19.6 (mos.)								

1 Total decisions on requests does not include requests that have been vacated or are pending.  
 data as of 9/30/2015

8. Reexam certificate claim analysis:

	Owner Requester	3rd Party Requester	Comm'r Initiate	Overall
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a. All claims confirmed	6%	15%	0%	21%
b. All claims canceled	3%	9%	0%	12%
c. Claims changed	21%	45%	1%	67%

9. Total ex parte reexamination certificates issued (1981 – present) ..... 10951

a. Certificates with all claims confirmed	2331	21%
b. Certificates with all claims canceled	1334	12%
c. Certificates with claims changes	7286	67%

10. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated.

a. Certificates – PATENT OWNER REQUESTER	3268	
a. All claims confirmed	685	21%
b. All claims canceled	291	9%
c. Claims changed	2292	70%
b. Certificates – 3rd PARTY REQUESTER	7513	
a. All claims confirmed	1628	22%
b. All claims canceled	998	13%
c. Claims changed	4887	65%
c. Certificates – COMMISSIONER INITIATED REEXAM	170	
a. All claims confirmed	18	11%
b. All claims canceled	45	26%
c. Claims changed	107	63%



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*Ex Parte Reexamination Filing Data - September 30, 2014*

1. Total requests filed since start of <i>Ex Parte reexam on 07/01/81</i> .....	13217								
a. By patent owner	3833     29%								
b. by other member of the public	9217     70%								
c. By order of Commissioner	167     1%								
2. Number of Filings by discipline									
a. Chemical Operation	3516     27%								
b. Electrical Operation	5167     39%								
c. Mechanical Operation	4330     33%								
d. Design Patents	204     2%								
3. Annual <i>Ex Parte</i> Reexam Filings									
Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No
1981	78 (3 mos.)	1989	243	1997	376	2005	524	2013	305
1982	187	1990	297	1998	350	2006	511	2014	343
1983	186	1991	307	1999	385	2007	643		
1984	189	1992	392	2000	318	2008	680		
1985	230	1993	359	2001	296	2009	658		
1986	232	1994	379	2002	272	2010	780		
1987	240	1995	392	2003	392	2011	759		
1988	268	1996	418	2004	441	2012	787		
4. Number known to be in litigation.....	4362     33%								
5. Decisions on requests.....	12429								
a. No. granted	11402     92%								
(1) By examiner	11271								
(2) By Director (on petition)	131								
b. No. denied	1027     8%								
(1) By examiner	990								
(2) Reexam vacated	37								
6. Total examiner denials (includes denials reversed by Director).....	1067								
a. Patent owner requester	665     62%								
b. Third party requester	621     58%								
7. Overall reexamination pendency (Filing date to certificate issue date).....									
a. Average pendency	22.3 (mos.)								
b. Median pendency	15.9 (mos.)								

1 Total decisions on requests does not include requests that have been vacated or are pending.  
 data as of 9/30/2014

8. Reexam certificate claim analysis:

	Owner Requester	3rd Party Requester	Comm'r Initiate	Overall
a. All claims confirmed	6%	15%	0%	22%
b. All claims canceled	3%	9%	0%	12%
c. Claims changed	21%	44%	1%	66%

9. Total ex parte reexamination certificates issued (1981 – present) ..... 10698

a. Certificates with all claims confirmed	2303	22%
b. Certificates with all claims canceled	1301	12%
c. Certificates with claims changes	7094	66%

10. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated.

a. Certificates – PATENT OWNER REQUESTER	3256	
a. All claims confirmed	685	21%
b. All claims canceled	289	9%
c. Claims changed	2282	70%
b. Certificates – 3rd PARTY REQUESTER	7272	
a. All claims confirmed	1600	22%
b. All claims canceled	967	13%
c. Claims changed	4705	65%
c. Certificates – COMMISSIONER INITIATED REEXAM	170	
a. All claims confirmed	18	11%
b. All claims canceled	45	26%
c. Claims changed	107	63%

1 Total decisions on requests does not include requests that have been vacated or are pending.



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*Ex Parte Reexamination Filing Data - September 30, 2013*

1. Total requests filed since start of <i>Ex Parte reexam on 07/01/81</i> .....	12874								
a. By patent owner	3833     30%								
b. by other member of the public	8874     69%								
c. By order of Commissioner	167     1%								
2. Number of Filings by discipline									
a. Chemical Operation	3435     27%								
b. Electrical Operation	5001     39%								
c. Mechanical Operation	4234     33%								
d. Design Patents	204     2%								
3. Annual <i>Ex Parte</i> Reexam Filings									
Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No
1981	78 (3 mos.)	1989	243	1997	376	2005	524	2013	305
1982	187	1990	297	1998	350	2006	511		
1983	186	1991	307	1999	385	2007	643		
1984	189	1992	392	2000	318	2008	680		
1985	230	1993	359	2001	296	2009	658		
1986	232	1994	379	2002	272	2010	780		
1987	240	1995	392	2003	392	2011	759		
1988	268	1996	418	2004	441	2012	787		
4. Number known to be in litigation.....	4167     32%								
5. Decisions on requests.....	12016								
a. No. granted	11013     92%								
(1) By examiner	10891								
(2) By Director (on petition)	122								
b. No. denied	1003     8%								
(1) By examiner	968								
(2) Reexam vacated	35								
6. Total examiner denials (includes denials reversed by Director).....	1067								
a. Patent owner requester	498     47%								
b. Third party requester	606     57%								
7. Overall reexamination pendency (Filing date to certificate issue date)									
a. Average pendency	27.8 (mos.)								
b. Median pendency	20.1 (mos.)								

1 Total decisions on requests does not include requests that have been vacated or are pending.

8. Reexam certificate claim analysis:	Owner	3rd Party Comm'r	Overall	
	Requeste	Requeste		
a. All claims confirmed	6%	15%	0%	21%
b. All calims canclled	3%	8%	0%	11%
c. Claims changed	21%	40%	1%	62%
9. Total ex parte reexamination certificates issued (1981 – present) .....			9991	
a. Certificates with all claims confirmed			2241	22%
b. Certificates with all claims canceled			1205	12%
c. Certificates with claims changes			6545	66%
10. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated.				
a. Certificates – PATENT OWNER REQUESTER			3279	
a. All claims confirmed			682	21%
b. All calims canclled			283	9%
c. Claims changed			2239	68%
b. Certificates – 3rd PARTY REQUESTER			7174	
a. All claims confirmed			1541	21%
b. All calims canclled			882	12%
c. Claims changed			4201	59%
c. Certificates – COMMISSIONER INITIATED REEXAM			164	
a. All claims confirmed			18	11%
b. All calims canclled			40	24%
c. Claims changed			105	64%

1 Total decisions on requests does not include requests that have been vacated or are pending.



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Ex Parte Reexamination Filing Data - September 30, 2012

1. Total requests filed since start of <i>ex parte reexam</i> on 07/01/81.....	12569						
a. By patent owner	3872	31%					
b. by other member of the public	8532	68%					
c. By order of Commissioner	165	1%					
2. Number a. Chemical Operation	3373	27%					
b. Electrical Operation	4831	38%					
c. Mechanical Operation	4178	33%					
d. Design Patents	187	1%					
3. Annual <i>Ex Parte</i> Reexam Filings							
Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No	Fiscal Yr.	No
1981	78 (3 mos.)	1989	243	1997	376	2005	524
1982	187	1990	297	1998	350	2006	511
1983	186	1991	307	1999	385	2007	643
1984	189	1992	392	2000	318	2008	680
1985	230	1993	359	2001	296	2009	658
1986	232	1994	379	2002	272	2010	780
1987	240	1995	392	2003	392	2011	759
1988	268	1996	418	2004	441	2012	788
4. Number known to be in litigation.....	3994	32%					
5. Decisions on requests.....	11737						
a. No. granted.....	10755	92%					
(1) By examiner	10762						
(2) By Director (on petition)	122						
b. No. denied.....	982	8%					
(1) By examiner	961						
(2) Reexam vacated	35						
6. Total examiner denials (includes denials reversed by Director).....	1078						
a. Patent owner requester	496	46%					
b. Third party requester	582	54%					
7. Overall reexamination pendency (Filing date to certificate issue date)							
a. Average pendency	27.9	(mos.)					
b. Median pendency	20.5	(mos.)					

8. Reexam certificate claim analysis:	Owner Requester	3rd Party Requester	Comm'r Initiate	<u>Overall</u>
a. All claims confirmed	21%	22%	11%	21%
b. All claims canceled	8%	12%	24%	11%
c. Claims changed	71%	66%	65%	68%
9. Total ex parte reexamination certificates issued (1981 – present) .....	9328			
a. Certificates with all claims confirmed	2029      22%			
b. Certificates with all claims canceled	1063      11%			
c. Certificates with claims changes	6236      67%			
10. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated.				
a. Certificates – PATENT OWNER REQUESTER	3176			
a. All claims confirmed	669      21%			
b. All claims canceled	280      9%			
c. Claims changed	2227      70%			
b. Certificates – 3rd PARTY REQUESTER	6026			
a. All claims confirmed	1348      22%			
b. All claims canceled	745      12%			
c. Claims changed	3933      65%			
c. Certificates – COMMISSIONER INITIATED REEXAM	164			
a. All claims confirmed	18      11%			
b. All claims canceled	38      23%			
c. Claims changed	108      66%			



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Ex Parte Reexamination Filing Data - September 30, 2011

1.	Total requests filed since start of <i>ex parte</i> reexam on 07/01/81.....	11782 <sup>1</sup>					
a.	By patent owner	3801 33%					
b.	By other member of public	7815 66%					
c.	By order of Commissioner	166 1%					
2.	Number of filings by discipline						
a.	Chemical Operation	3211 27%					
b.	Electrical Operation	4405 37%					
c.	Mechanical Operation	3987 34%					
d.	Design Patents	179 2%					
3.	Annual <i>Ex Parte</i> Reexam Filings						
Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.
1981	78 (3 mos.)	1989	243	1997	376	2005	524
1982	187	1990	297	1998	350	2006	511
1983	186	1991	307	1999	385	2007	643
1984	189	1992	392	2000	318	2008	680
1985	230	1993	359	2001	296	2009	658
1986	232	1994	379	2002	272	2010	780
1987	240	1995	392	2003	392	2011	759
1988	268	1996	418	2004	441		
4.	Number known to be in litigation.....	.3894.....33%					
5.	Decisions on requests.....	11262					
a.	No. granted.....	10333.....92%					
(1)	By examiner	10213					
(2)	By Director (on petition)	120					
b.	No. denied .....	929.....8%					
(1)	By examiner	894					
(2)	Reexam vacated	35					

<sup>1</sup>Of the requests received in FY 2011, 22 requests have not yet been accorded a filing date, and preprocessing of 35 requests was terminated for failure to comply with the requirements of 37 CFR 1.510. See Clarification of Filing Date Requirements for *Ex Parte* and *Inter Partes* Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).

6.	Total examiner denials (includes denials reversed by Director).....	1014			
a.	Patent owner requester	476	47%		
b.	Third party requester	538	53%		
7.	Overall reexamination pendency (Filing date to certificate issue date)				
a.	Average pendency	25.6 (mos.)			
b.	Median pendency	19.9 (mos.)			
8.	Reexam certificate claim analysis:	<u>Owner Requester</u>	<u>3<sup>rd</sup> Party Requester</u>	<u>Comm'r Initiated</u>	<u>Overall</u>
a.	All claims confirmed	21%	24%	11%	23%
b.	All claims cancelled	9%	12%	23%	11%
c.	Claims changes	70%	64%	66%	66%
9.	Total <i>ex parte</i> reexamination certificates issued (1981 – present) .....	8578			
a.	Certificates with all claims confirmed	1943	23%		
b.	Certificates with all claims canceled	974	11%		
c.	Certificates with claims changes	5661	66%		
10.	Reexam claim analysis – requester is patent owner or 3 <sup>rd</sup> party or Commissioner initiated.				
a.	Certificates – PATENT OWNER REQUESTER .....	3040			
(1)	All claims confirmed	651	21%		
(2)	All claims canceled	264	9%		
(3)	Claim changes	2125	70%		
b.	Certificates – 3 <sup>rd</sup> PARTY REQUESTER .....	5380			
(1)	All claims confirmed	1274	24%		
(2)	All claims canceled	674	12%		
(3)	Claim changes	3432	64%		
c.	Certificates – COMMISSIONER INITIATED REEXAM .....	158			
(1)	All claims confirmed	18	11%		
(2)	All claims canceled	36	23%		
(3)	Claim changes	104	66%		



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Ex Parte Reexamination Filing Data - September 30, 2010

1.	Total requests filed since start of <i>ex parte</i> reexam on 07/01/81.....	11023 <sup>1</sup>					
a.	By patent owner	3697 34%					
b.	By other member of public	7161 65%					
c.	By order of Commissioner	165 1%					
2.	Number of filings by discipline						
a.	Chemical Operation	3068 28%					
b.	Electrical Operation	4010 36%					
c.	Mechanical Operation	3771 34%					
d.	Design Patents	174 2%					
3.	Annual <i>Ex Parte</i> Reexam Filings						
Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.
1981	78 (3 mos.)	1989	243	1997	376	2005	524
1982	187	1990	297	1998	350	2006	511
1983	186	1991	307	1999	385	2007	643
1984	189	1992	392	2000	318	2008	680
1985	230	1993	359	2001	296	2009	658
1986	232	1994	379	2002	272	2010	780
1987	240	1995	392	2003	392		
1988	268	1996	418	2004	441		
4.	Number known to be in litigation.....	.3568.....32%					
5.	Decisions on requests.....	10495					
a.	No. granted.....	9648.....92%					
(1)	By examiner	9534					
(2)	By Director (on petition)	114					
b.	No. denied .....	847.....8%					
(1)	By examiner	812					
(2)	Reexam vacated	35					

<sup>1</sup>Of the requests received in FY 2010, 16 requests have not yet been accorded a filing date, and preprocessing of 80 requests was terminated for failure to comply with the requirements of 37 CFR 1.510. See Clarification of Filing Date Requirements for *Ex Parte* and *Inter Partes* Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).

6.	Total examiner denials (includes denials reversed by Director).....	926			
a.	Patent owner requester	451	49%		
b.	Third party requester	475	51%		
7.	Overall reexamination pendency (Filing date to certificate issue date)				
a.	Average pendency	25.5 (mos.)			
b.	Median pendency	20.0 (mos.)			
8.	Reexam certificate claim analysis:	<u>Owner Requester</u>	<u>3<sup>rd</sup> Party Requester</u>	<u>Comm'r Initiated</u>	<u>Overall</u>
a.	All claims confirmed	22%	25%	12%	23%
b.	All claims cancelled	8%	13%	23%	12%
c.	Claims changes	70%	62%	65%	65%
9.	Total <i>ex parte</i> reexamination certificates issued (1981 – present) .....	7782			
a.	Certificates with all claims confirmed	1817	23%		
b.	Certificates with all claims canceled	893	12%		
c.	Certificates with claims changes	5072	65%		
10.	Reexam claim analysis – requester is patent owner or 3 <sup>rd</sup> party or Commissioner initiated.				
a.	Certificates – PATENT OWNER REQUESTER .....	2947			
(1)	All claims confirmed	638	22%		
(2)	All claims canceled	251	8%		
(3)	Claim changes	2058	70%		
b.	Certificates – 3 <sup>rd</sup> PARTY REQUESTER .....	4681			
(1)	All claims confirmed	1161	25%		
(2)	All claims canceled	607	13%		
(3)	Claim changes	2913	62%		
c.	Certificates – COMMISSIONER INITIATED REEXAM .....	154			
(1)	All claims confirmed	18	12%		
(2)	All claims canceled	35	23%		
(3)	Claim changes	101	65%		



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Ex Parte Reexamination Filing Data - September 30, 2009

1.	Total requests filed since start of <i>ex parte</i> reexam on 07/01/81.....	10243 <sup>1</sup>					
a.	By patent owner	3634 35%					
b.	By other member of public	6444 63%					
c.	By order of Commissioner	165 2%					
2.	Number of filings by discipline						
a.	Chemical Operation	2931 29%					
b.	Electrical Operation	3596 35%					
c.	Mechanical Operation	3554 34%					
d.	Design Patents	162 2%					
3.	Annual <i>Ex Parte</i> Reexam Filings						
Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.
1981	78 (3 mos.)	1989	243	1997	376	2005	524
1982	187	1990	297	1998	350	2006	511
1983	186	1991	307	1999	385	2007	643
1984	189	1992	392	2000	318	2008	680
1985	230	1993	359	2001	296	2009	658
1986	232	1994	379	2002	272		
1987	240	1995	392	2003	392		
1988	268	1996	418	2004	441		
4.	Number known to be in litigation.....	.3221.....31%					
5.	Decisions on requests.....	9833					
a.	No. granted.....	9041.....92%					
(1)	By examiner	8928					
(2)	By Director (on petition)	113					
b.	No. denied .....	792.....8%					
(1)	By examiner	757					
(2)	Reexam vacated	35					

<sup>1</sup>Of the requests received in FY 2009, 22 requests have not yet been accorded a filing date, and preprocessing of 41 requests was terminated for failure to comply with the requirements of 37 CFR 1.510. See Clarification of Filing Date Requirements for *Ex Parte* and *Inter Partes* Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).

6.	Total examiner denials (includes denials reversed by Director).....	870			
a.	Patent owner requester	445	51%		
b.	Third party requester	425	49%		
7.	Overall reexamination pendency (Filing date to certificate issue date)				
a.	Average pendency	25.2 (mos.)			
b.	Median pendency	19.7 (mos.)			
8.	Reexam certificate claim analysis:	<u>Owner Requester</u>	<u>3<sup>rd</sup> Party Requester</u>	<u>Comm'r Initiated</u>	<u>Overall</u>
a.	All claims confirmed	22%	26%	12%	25%
b.	All claims cancelled	8%	13%	23%	11%
c.	Claims changes	70%	61%	65%	64%
9.	Total <i>ex parte</i> reexamination certificates issued (1981 – present) .....	7089			
a.	Certificates with all claims confirmed	1725	25%		
b.	Certificates with all claims canceled	807	11%		
c.	Certificates with claims changes	4557	64%		
10.	Reexam claim analysis – requester is patent owner or 3 <sup>rd</sup> party or Commissioner initiated.				
a.	Certificates – PATENT OWNER REQUESTER .....	2827			
(1)	All claims confirmed	625	22%		
(2)	All claims canceled	233	8%		
(3)	Claim changes	1969	70%		
b.	Certificates – 3 <sup>rd</sup> PARTY REQUESTER .....	4111			
(1)	All claims confirmed	1082	26%		
(2)	All claims canceled	540	13%		
(3)	Claim changes	2489	61%		
c.	Certificates – COMMISSIONER INITIATED REEXAM .....	151			
(1)	All claims confirmed	18	12%		
(2)	All claims canceled	34	23%		
(3)	Claim changes	99	65%		



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Ex Parte Reexamination Filing Data - September 30, 2008

1.	Total requests filed since start of <i>ex partes</i> reexam on 07/01/81 .....	9585 <sup>1</sup>					
a.	By patent owner	3567 37%					
b.	By other member of public	5853 61%					
c.	By order of Commissioner	165 2%					
2.	Number of filings by discipline						
a.	Chemical Operation	2811 29%					
b.	Electrical Operation	3261 34%					
c.	Mechanical Operation	3357 35%					
d.	Design Patents	156 2%					
3.	Annual Ex Parte Reexam Filings						
Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.	Fiscal Yr.	No.
1981	78 (3 mos.)	1989	243	1997	376	2005	524
1982	187	1990	297	1998	350	2006	511
1983	186	1991	307	1999	385	2007	643
1984	189	1992	392	2000	318	2008	680
1985	230	1993	359	2001	296		
1986	232	1994	379	2002	272		
1987	240	1995	392	2003	392		
1988	268	1996	418	2004	441		
4.	Number known to be in litigation.....	.2849.....30%					
5.	Decisions on requests.....	9219					
a.	No. granted.....	8467.....92%					
(1)	By examiner	8354					
(2)	By Director (on petition)	113					
b.	No. denied .....	752.....8%					
(1)	By examiner	717					
(2)	Reexam vacated	35					

<sup>1</sup>Of the requests received in FY 2008, 7 requests have not yet been accorded a filing date, and preprocessing of 15 requests was terminated for failure to comply with the requirements of 37 CFR 1.510. See Clarification of Filing Date Requirements for *Ex Parte* and *Inter Partes* Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).

6.	Total examiner denials (includes denials reserved by Director).....	830			
a.	Patent owner requester	441	53%		
b.	Third party requester	389	47%		
7.	Overall reexamination pendency (Filing date to certificate issue date)				
a.	Average pendency	24.5 (mos.)			
b.	Median pendency	19.0 (mos.)			
8.	Reexam certificate claim analysis:	<u>Owner Requester</u>	<u>3<sup>rd</sup> Party Requester</u>	<u>Comm'r Initiated</u>	<u>Overall</u>
a.	All claims confirmed	22%	28%	12%	25%
b.	All claims cancelled	8%	13%	21%	11%
c.	Claims changes	70%	59%	67%	64%
9.	Total ex parte reexamination certificates issued (1981 – present) .....	6457			
a.	Certificates with all claims confirmed	1624	25%		
b.	Certificates with all claims canceled	721	11%		
c.	Certificates with claims changes	4112	64%		
10.	Reexam claim analysis – requester is patent owner or 3 <sup>rd</sup> party; or Comm'r initiated.				
a.	Certificates – PATENT OWNER REQUESTER .....	2722			
(1)	All claims confirmed	611	22%		
(2)	All claims canceled	214	8%		
(3)	Claim changes	1897	70%		
b.	Certificates – 3 <sup>rd</sup> PARTY REQUESTER .....	3588			
(1)	All claims confirmed	995	28%		
(2)	All claims canceled	476	13%		
(3)	Claim changes	2117	59%		
c.	Certificates – COMM'R INITIATED REEXAM .....	147			
(1)	All claims confirmed	18	12%		
(2)	All claims canceled	31	21%		
(3)	Claim changes	98	67%		